FILED
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CASE No._____

IN THE UNITED STATES SUPREME COURT
APRIL TERM 2000
CIV. APP. 98-2356

WILLIAM L.E. PUNCHARD, II
Plaintiff- CounterDefendant-Appellant-Petitionor,
Vs,
Luna County Commission; the State of New Mexico,

Defendants-Counter Plaintiff-appellees-Respondents.

Petition for a Original Jurisdiction to the United States Supreme Court , from the Tenth Circuit Court of Appeals

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Petition for an Original Jurisdiction , with writ of Certiorari

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Defendants Counsel: ROBERT D. CASTILLE
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70pp

QUESTIONS PRESENTED

1. Plaintiff-Appellants filed a complaint *De nova* to Remove Appellees from Federal Mining Leases held by the Plaintiff-Appellants. Appellees (County Commission)being the Local Federal Mining Record Keeper, and the Attempted "Claim Jumper. Taking away Real Property by weight of the State , and without **Attempting to Confer in good Faith to Purchase** the Appellants Lease Options Interest. **Please See: (App. 13).**

2. In U.S. District Court, The Appellees ***Failed*** to comply with Court RULE 26(c), RULE 37(a). They Failed to ***Attempt*** to Good Faith ***Confer first*** with apposing Party, before filing ***supporting Information*** ,for Their Motions, and Collateral estoppel. Court Granted the Motion with out

QUESTIONS PRESENTED

verifying Appellees complied with Rules.

Please See:(App.5) .

3. District Court influenced by Half -truths Supporting Information, began to aid the Appellees by raising a chronicle of res judicata Pass Cases , and Filibustering for pages, of none-related cases. In doing so ,**Prematurely** raised a Federal Constitution Question by Attempting using res judicata on Appellant Foreign Governmental Owned Interest. Please See: (App.13.e)

4. In U.S. Appeals Court,

Appellees ***Failed*** to comply with Appeals Court ***Orders*** to file a Timely (40 day) Answer Brief . Appellees Answer Brief was 3 days late .

QUESTIONS PRESENTED

Appellees ***Untimely*** filed a Motion To Extend Time, on day Brief was due. The 3 Day Rule don't apply on Motions, Court *Ordered* . Please see :(App.24)

5. U.S. Appeals Court **Clerk,**

Attempted to ***Retro Activate*** the Appellees Untimely Filed Motion back from the 12th day to the 7th day,- in violation of the Court Rules, FRAP 25(a), 26(b). Motion was not in the possession of the Court ***By the due date.*** The Act was discovered. See:(App.25).

6. Appeals Court being , Blocked, By District Court Raising un-related res judicata case on International Affairs ,it over shadows the "Claim Jumping" on Real Property. Prematurely, The Issue was not related at time of filing complaint.

QUESTIONS PRESENTED

If "Prematurely" res judicata Question Sticks , Then' Court Orders looses jurisdiction Rights by constitutional designs. So' Appeals Court followed Suet of District Court ,all so lost Court Jurisdiction over affirmed. Please See: (App.13.e).

7. Court raised issues of 19 other lost claims,

Appellees attempted Criminal Acts under the Color of State Law, and including False Imprisonment to do ***Federal*** Record Tampering. The Issue of False- Imprisonment is

But' the Issue of Criminal Acts by Appellees, Causing lost of 19 Mining Claims is *De Nova* before this Court. Please See:(App.20). Appellants

has Lease, Option to Purchase Under 1872 Mining Law. Appellees distroyed (Bull Dosed in) Three(3) Gold Mine Shafts, and four (5)Archeological (Spanish Fort) site. See:(App.21. ,App.22 :Mining Lease).

8. The General Services Administration allow the Mining Claim, and Sale Options . Appellants did sell($) some Interest(%) To foreign Investor (Government) after the District Courts gave Orders. This was not bared by Court. Appellees **Never Tried Conferring** to Purchase, Nor **declared to** Appellants Property was needed in the Interest of State Public. Appellant asked Appellees(County) to confer, But was scrub off to Attorney Abuse. Please See:(History (5.b)), (G.S.A., (App.19).

QUESTIONS PRESENTED

1. Question, -

Is the Correct Action for District Court after rising a Constitutional Question on Foreign Government is to drop lower Trial Courts Jurisdiction ?

A. Question,

Is After Court used *res judicata* for it Foreign Government Value, to raise a Constitutional Question ,is Court now Suffer from the Doctrine of None delegation(lack jurisdiction) ?

B. Question ,

Will Court over turn lower Court Orders ,for lack of Jurisdiction After raising Foreign Government, Constitutional Question ?

2. Question ,

By no filing Court Ordered Answer Brief, now

QUESTIONS PRESENTED

Courts Action to affirmed has no support - Is

Appellees Party litigating Foundation lost?

A. Question,

Is the Appeals Court personal Actions a Moot

Support of a Motion to Dismiss ?

B. Question,

Is the appeals Court suffering from the Doctrine of

No Probable Cause (

No right to disposition) ?

C. Question,

Is the Appeals Court Suffering from the Doctrine

of Lack of a Definite Statement Presented (No

QUESTIONS PRESENTED

Appellees statement ,and or Motion up on which relief can be granted) ?

3. Appeals Court Attempt Broke the Court Rule and Attempting to Retro-Active ,to place the Appellees in a Wining position over the Appellants, is this abuse of process ?

A. Question,

Did that Court Retro-Active Action against the Appeals Court Rules ,all so Prejudice the Appellants ?

B. Question,

Was that Appeals Court Overt Retro-Active Action

QUESTIONS PRESENTED

against the Court Rules an Abuse of due process ?

4. The U.S. BLM (Bureau of Land management) (the Appellees Partners) Sempothising Is obstruction Patenting right to Patent (Purchase) ,contrary to owner General Services Administrations Executive Orders to Sell

1. Question,

Will the Court up hold appellants Rights to Patent Pursuant to Mining Lease Contract Rights Law ?

2. Will the Court Please **Order** the U.S. BLM Department to make the Required Report to the GSA Pursuant to Appellants Request to Patent his Lease ?

A. Will Court up hold Appellant Rights to his Mining Lease Contracts ?

QUESTIONS PRESENTED

B. **Question,**

Will the Court up hold the Appellants Mining Lease Law Rights and **Remove** Appellees from the Property by Federal Marshals ?

C. Question,

Will Court Allow the Appellants to receive Monitory Damages Award for the Distroyed Buildings and Mine shafts Covering Up by Appellees ?

5. Was Collateral estoppel and Court Disposition out of Order to sat Jurisdiction ,when Court raised Foreign, and Constitutional Question ?

5.1. Court attempted to take away Appellants Rights to be safe in his Papers and Person ,Rights

QUESTIONS PRESENTED

the Constitutional Articles (Rights Bill of Rights).

A. Question,

Will the Court Up hold the Appellants Right to the First (1st) Amendment, (Bill Of Right) to File a Grievances for Redress ?

B. Question,

Will the Court up hold Appellants Right to be protected from Racial Discrimination (Collateral estoppel) , and (Counter Complaint) under the 1964 Civil Rights Act ?

B.(a) Question,

Will Court overturn , because Appellees failure to do good faith **" Rule Required"** conferring first ?

QUESTIONS PRESENTED

C. Question,

Will the Court up hold Appellants to be secure in Person ,and his houses , Papers and personal affects, under the Fourth (4th) Amendment, and Fourteenth (14th) Amendment (Bill of Rights) ?

D. Question ,

Will the Court Over turn the Appeal Court ,And U. S. District Court Moot Orders of Collateral Estoppel (Counter Complaint) ?

E. Was the Courts Rule Breaking to support Appellees Motion to Dismiss against appellants Real Property Complaint (Claim Jumping) a abuse of Court Process with reason to overturn ?

QUESTIONS PRESENTED

6. **the two (2) lower courts offered their Disposition, orders ,and Judgment on res judicata** summoning cases which some never made the filing in to the Supreme Court (for lack of timing).

If the lower Courts (2) offer of res judicata **is** accepted now by the Supreme Court, **The Accepting** would be the revival (Re-opining) **of those cases, and a eligibility for filing any late, and lost cases .**

A. Will the Honorable Court over turn the moot Lower **Courts** (2) Orders and Judgment on the doctrine of Law, res judicata , and Collateral estoppel ?

QUESTIONS PRESENTED

7. This case is about Appellants Real Property being Attempted Claim Jumped by the Appellees . Appellees having "Squatted, Distroyed Mining Property (3. Shafts) , and Spanish Historical Building . archaeological sites dating back to the 1589's ,by Bulldozing on Appellants privately owned Mining Property . A violated New Mexico State Law.

A. **Will** the Honorable Court allow Appellants compensation for distroyed Mining (3) Shafts ?

B. Will the Honorable Court allow Appellants to be compensated for loses and of 1589 Spanish Historical Building, and Archaeological Sites (5) ?

CASE COUNSELORS

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RELATED FILED MINING CASES

*1 This **Set** of Real Property (Mining Claims) , Lease Contracts is filed *De Nova*(Attempted Claim Jumping) to **Remove** Appellees from Mining Claims. ; All GSA **L amb Claims,** NMMC 35110.

*2 addendum 19 Mining Claims Complaint is filed *De Nova (*deprivation unfair) to **Recover** "Real Property" that was unlawfully caused to be lost. Claims **not** related to Claims in *1.

Other occurrences is related *Only* in that the Appellees actions did shared in the same timely frame producing violations found

INDEX

Questions Presented.....Bases.....1. th 5.
Question Presented .....questions.....6. th14 (15)
Counselors..... (15)
Related Cases.....
Index..... (16)
Authorities..... (17)
Jurisdictional Statements..... (18)
Case History.....1. th 5.
Statementof case.....6. th 12.
Reason for Granting.....13. th18.
Conclusions.....19. th 26.
AppealsCourt Order....Exhibit.....App.1. th 5.
District Court Order....proposal.....App.5. th 13
district Court Order....proposal.....app.13. th 14.
District Court Order...continue...App.13a. th 13f.
District Court Order...final.....App. 15. th 16.
G.S.A. .....Letter.....(Exhibit F.)...App.**17. th 18.**
Notice to County Board.....(Exhibit E)**....App.19.**
Public Defender Letter...(Exhibit d)..App.20. th 21.
Mining Claim Lease...(Exhibit A).....App.21. th 22.
Appeals Court Order..**(Exhibit B)**..App. 24. th 25.
FRAP Rules.....Time (Exhibit C) .....App. 25.
Special Justice.....(18)

TABLE OF AUTHORITIES

PAGE

District Court Rules,

1. RULE : 26(c),(37(a)....Must Confer.....5.a.,16., 16.a.
2. RULE : 41(B). .....Dismiss.....13.
3. RULE : 27. ...Include opposing party.....2.

Appeals Court Rules,

1. RULE : 25(a), 26(b).....Time.....2., 14.,
2. RULE : 27., ...Include opposing party.....2.

Federal Codes,

1. Civil Rights Act of 1957, sec131.....17.
2. Civil Rights Act as amendedSec.,(s)..... 201,206,701,707.....17.
3. 42 U.S.C.A. Sec.,1973,1971,2000a,2000a-5,2000e,2000-6.....18.
4. Voting Rights Act of 1965 Sec.,1.et Seq. .....18.
5. **28 U.S.C.A. Sec.,1345.....18.**
6. **42 U.S.C.A. SEC., 1973.....18.**
7. **U.S.C.A. SEC. 1983..... 16.**
8. **1872 Mining Law Act. .....**
5.

STATE TATUTES,

1. SECTION 18-6-11 N.M.S.A.....17.
2. SECTION 31-9-1.1 ET SEQ. .....(.App.20)

Federal Constitution,

1. Article 1 Sec. 10.....(App.20)
2. Article III , Sec. 2.,Paragraph 2..... 5.b.
3. 14 Amendment..... 16.b.
4. First Amendment..... 11.

Authorities,

D.C. La.(1965), U.S. Vs, Original Knight of the Ku Klux Klan 250 F. Supp. 330..... 18.

JURISDICTIONAL STATEMENT

This court has Original Jurisdictional under Article III., Section 2.,Paragraph 2. , of the American Constitution ; and Code 28 U.S.C.A. 1251 : ....Foreign Ambassadors, and Ministers in a controversy where the State is a Party.... .; the Fourteenth (14th) Amendment Protection for Foreign Government Citizens...; First Amendment :Free Speech, Free Press, and free Petitioning ....; Fifth (5th) Amendment : Secure in Property....; Fourth (4th) Amendment : Secure in Person and Papers; and the 1964 Civil Rights act. Will aid Court Jurisdiction to Review Course of action for abuse of the Judicial Foundation , and Petition for Restoration of the Original U.S. Court Jurisdiction ,and Bill Of Right of the Federal constitution.

PETITION FOR SPECIAL JUSTICE

This Petition ask for a special Justice, JUSTICE **SANDRA D. O'CONNO** to sit this Petition in the United States Supreme Court.

3/27/2000 William L. Punchard

William L. Punchard

COUNSEL APPEARANCE PRO HAC VICE

Counsel moves the Honorable Court to allow Appellant, William L. Punchard to Petition the Honorable Court by Appearing Pro Hac Vice in Brief. I thank the Honorable Court. 03/27/2000 William L. Punchard

HISTORY OF THE CASE

In the year 1949 the General Services (GSA) Administrations Executive Order to Dispose of all War Surplus Land and building and all improvements on the land. At that time the land had a Iron Stock Pile on it. The land could be sold but the Stock Pile was not part of the Same Executive order Number. No one wanted to Purchase Land because the Government did not want to move the Stock Pile . It's a bad investment. There was no instructions on how the sale must be did except to disposal by sale. In 1978 Appellant filed a Mining Claim on the Property and it was accepted by the G .S.A. and Recorded by the Bureau of Land management (BLM). Because the end

HISTORY OF THE CASE

aims was the sale (Disposal) of the Land . About 1981 The Stock Pile become attractive to a American Company that found a buyer in the Republic of Mexico. By 1989 the Iron Ore Stock Pile were sold off the Property by the G.S.A. The land was left with only the Mining Claims, and Buildings. The Property is now the Real Property of the Appellant with Options to Purchase (Patent) under a control Purchase Price (Mining Claim Price). Now the Land was all around value .

Back in 1984 the Appellant here in was a candidate for the State Senate for this district. Six (6) Months later (1985) Appellant was False-Imprisonment by the Same Appellees. Appellant states "False-Imprisonment" because

HISTORY OF THE CASE

there was No Arrest warrant served, No Indictment had . Only a Appellees (1985-to-1993) Statements to the State Mental Institution that the Appelles had Charges Pending. This went on for eight (8) Years, until the Governor Office Forced the Appellees to Release the Appellant.

It was doing this time that the Appellees attempted to"Claim Jump"the Mining Claim that thay were Charged with Protecting on the behalf of the Appellant. Remember! while under the False Imprisonment All Mail and Contact with the Appellant was Blocked. Appellees (County) had reason to know the where abouts of the Appellant, But did not tell their partners (B.L.M.). When B.L.M. tried to make contact with the Appellant about Mining. Appellees conspired to undermine.

HISTORY OF THE CASE

About 14 Days after the Appellant mining Claims (20) was suppose to have went Closed, the Appellees Attempted to purchase the Property from G.S.A. . The Appellees had Mistake in Judgement . Appellant had not let the land (G.S.A.) go closed. Appellees caused the Appellant to lose 19 other mining Claim due to the False -Imprisonment , But' not that G.S.A. Mining Claims Land. Appellant was never compensated. SEE: (APP. 21)

Appellees "Claim Jumping". The Appellees (County) not for-seeing the land becoming vacant, Now! wanted the vacant land . Acting by hook , and Crock "did not work. Now thay are using their State weight . Appellees attempted Claim

HISTORY OF THE CASE

*1. (Courts attempted Collateral estoppel has **Blocked** Rights to Informing, or to Amending, **or making** Legal contact **with the Appellees in lower Court.** The U.S. District Court **raised the Question** (to block a Jury) of Appellant Portfolio : having Political ,Blood Interest in a Foreign Royal Gover-nment, all though' He is American Born Citizen. A Interest appellees (State) Choose to ignore (while violating with False-imprisonment in 1985-1993). An Interest having no connection to mines at District Courts **Premature Raising** Question, or at filing Time of complaint . Appellee **Failing to attempt in good Faith to Confer, or open Talks on Appellants Real Property Interest** (See: DC. R. 26(c), 37(a)). Appellant Needing Finances, and Investors ,for Mine recovery after appellees

*1. ____.

HISTORY OF THE CASE

Damage to the Mining shafts, the Appellants sold a interest (%) ,and **a Option to Purchase (%) From U.S. General Services Adm.** , to Mrs., Y. G. Wright, **Consul General , The Royal Democratic States of Continental African Government Embassy # 15. Representative** .

The United States Department of the interior recorded the transfer (#49503), (49513), (50398) on 12/07/1999. Appellants ,Damages, and case is under the Supreme Court by Constitutional design (**Article III, Section 2., Paragraph 2.)** , and **Federal code 28 U.S.C.A. 1251** (Exclusive and Original Jurisdiction) . Making Lower State ,and Federal Courts Orders having Moot Case Jurisdiction over the Appellants.)

END *1.

HISTORY OF THE CASE

Jumped the 1872 Mining Law ,and Mining Claims Lease Contracts of the Appellants. Appellee refusing to Attempt to Purchase , Nor to vacate the Property. Appellees (county) is all so a record keeper Office ,and was to protector all Local Registered U.S. Government Mining Claims.

Appellants being grieved by the attempted Claim Jumping , he filed for a permanent injunction in U.S. District Court. Appellees **DID NOT ANSWER** the Complaint with a Brief , but' filed a Motion to Dismiss; and a Counter Complaint (Stating claims of harassment). The Appellant ask for a Jury. to look at the Mining lease Documents.

STATEMENTS OF THE CASE

1. Appeals Court had no Appellees appearance before the Appeals Court to support finding of the attempted Legislation by the Appeals Court.

A. Appellees (County) Amended to a Counter Claim, and filed a to Motion for Dismiss. The Appellants Complaint was Never Answered . A Fack of an Answer Reply Brief with Information to support a Foundation for a Motion for dismiss was Never before the U.S. District Court .

B. Appeals Court attempted to break the Court Rules " Expost Facto "to protect a Appellees loss Motion to Dismiss that never was before the Court.

STATEMENTS OF THE CASE

C. Rules of Court Procedure is a Complaint must be Answered by Reply Brief . The Court disposition should be based on a Answer Brief before the Court . Should have a Probable Cause to support a Discretion . SEE :(App. 24).

D. Appeals Court "reviewing " the Appellants Brief do not lend to the Doctrine of Materialization (make a absent Appellees Statement). SEE : (App. 4.) prg.2.,& (App. 2).

2. Appeals Court Action was not based on Probable Cause that would produced reason for granting Relief. Such action is Moot.

STATEMENTS OF THE CASE

(2.A) Appeals Court Reviewing of the "Appellant" Briefs do not lend a Factual Materialization of a Doctrine of Probable Cause(it makes no Appearance for a Timely Appellees).

B. Appellees failure to obay the Appeals Court **Orders** to file a Timely Answer Brief Should have caused a action of True Justice (a dismissal of the Collateral estoppel and the Motion to Dismiss by a Honorable Court) SEE : (App. 24). **(App.25.)**

C. Appeals Court Action " All Motions are dismissed" carried No Captions As is required by Rules of Court Procedure to Identify a Matter.

STATEMENTS OF THE CASE

D. Appeals Court discretion cannot supersede the Courts Foundation (Rules) for equal Justice .

3. Appeals Court Attempted Promotion of a Criminal Action (Claim Jumping) against a Federal Code and All so Attempted to prejudiced the Appellants Federal Lease Contracts. SEE (APP 8 & 9)

A. Appeals Court Discretion can not Circumvent the the Doctrine of Real Property.

B Appellants Statements to U.S. District Court , that Appellees Physically tampered (False imprisoned)with Appellants ability to be Secure in his Papers (Federal Lease Contracts) go to the Doctrine of Constitutional Law ,and Fact) .

STATEMENTS OF THE CASE

Criminal Action by Appellees outside the Color of Law, But! ,And Overtly supervised under the Color of State Law, Should **Never** be Rewarded (Real Property) ,Nor Favored(Affirmed Legally) by the United States Supreme . Attempted Claim Jumping is not a frivolous Act against Real Property . Plesae SEE : (App. 20.,& App. 21).

C. U.S. District Court Vacated his Court Bench when his Court Discretion turned in to Actions of Attorney Representation of a Appellees that failed to make a Required Answer Brief .

D. Appellees Interring a "Second" Motion to Dismiss cannot satisfy the Appeals Court Orders to File A Timely Answer Brief , Nc Timely Motion to Extend Time. The Courts Rules Must Stand.

STATEMENTS OF THE CASE

4. "Collateral estoppel" is a direct attack up on the Appellants First Amendment Constitutional , Bill of Rights (Right of Redress),and (Right of Free Press),and (Right of Free Expression).

A. Appeals Court Reinforcement of the Attempted Collateral estoppel Action has to have a Probable Cause to violate the Federal Code 1964 Civil Right Act Protection of the Appellants. With out a Definite Statement by a Timely Filed Appellees Answer Brief , it's a Moot Action.

B. Appeals Court "Review"of Appellants Brief don't give Probable Cause to Court Support U.S.District Courts Discretion to leave the Bench to practice Private Law as a Defense Attorney.

STATEMENTS OF THE CASE

5. Appellants Federal Mining Lease Contracts should have been safe from Appellees unlawful tampering. All Mining Claims (20) being Certified to year (1985) Should be restored to the Appellants Pursuant to the fact that no Appellees (State) Doctrine of Indictment Timely served from (1985 to 1993) on the Appellant. SEE:(App.10),(App.9)

A. The U. S. Supreme Court should Court Order a Return of the Mining Claims Leases , and Free Patent of All said Claims .

6. Appellees failure to file a Timely Request for Extension of Time , has By Court Rules lost his Right to file a Untimely Answer Brief.

REASON FOR GRANTING

1. Appellees failed to file a Timely Court Order Answer brief to the Appeals Court. Therefore' Appellees *Motion to Dismiss, and Counter Complaint, and Motion* is without support. Appellees Failed to state a Cause up on which relief could be granted by the Appeals Court Jurisdiction. Please See: U. S. D.C. Rule 41.B.,as Amended , and Or Directed Verdict as Replacement.

A. Appellees failure to Timely File a Court Order Answer Brief in the Appeals Court Jurisdiction. This all so is a failure to Properly (come up from lower Court) come before the Supreme Court Jurisdiction. PLEASE SEE:

REASON FOR GRANTING

Supreme Court Rule 14.g(ii): .The Bases... .

B. *Appeals Court* attempted sustaining of Appellees untimely Filed Answer Brief (*Motion to Dismiss , and Counter Complaint and Motion*) in violation of Appeals Court Rules (on timeliness , and Processing) shows Courts Bias , Courts Abuse of Process , and Courts Abuse of Discretion. PLEASE SEE: Federal Appeal Court Rule 25(a), and Rule 26(b). SEE:(App.13.),& (App:13.b).

C. Appeals Court Attempted Wavering of the U. S. Appeals Court Rule 25(a), 26(b) to favor Appellees "Untimely" Filed *Motion to extend time* is a Courts Abuse of Process, and a Attempt to Prejudice the Appellants (Denie Justice) . **SEE: (App.25.**

REASON FOR GRANTING

2. Appeals Court Attempted Support , and ORDERS AND JUDGMENT for the U.S. District Court ORDERS , were based on a review of the Appellants Appeals Court Brief, and Not a Filed Cross Complaint by a Appellees , or and District Court . The Doctrine of Supported Appellees Statement is not before the Court *DE NOVA* . It a Review of *res judicata* , and is not a Statement by Appeallees Timely Filed Answer Brief , upon which a Cause (Collateral Estoppel) for relief (affirmed)could be granted . Appeals Court Order and Judgment should be overturned.

A. Appeals Court support (Order and Judgment) is not Binding , "So said the Court." .

REASON FOR GRANTING

It shows Court Bias and Abuse of Discretion .

Collateral estoppel Action is an attempted Code 1983 Violations of Appellants Constitutional , Bill of Right : The First (1st) Amendment ; *1. Right to file for a Redress ; *2. The Right Free Press ; and *3. Right to Free Speech . Appeals Court ORDER AND JUDGMENT should be overturned.

B. Appeals Court Order and Judgment Supporting Collateral estoppel violated the Code 1983 Appellants Rights to the Federal Code 1964 Civil Right Act . Discrimination (Racial) in the use of Public buildings (Court House). The Honorable Court should over turn the Appeals Court Ordered Discrimination. He did'nt Good faith conferr first(DC. R. 26(c), 37(a)) Causing a Moot Motion. (16)

REASON FOR GRANTING

The Appellees ***Failed*** to Make good faith ***confer First*** , or to make a ***reasonable*** effort to Good faith ***confer First*** with Appellant on the Counterclaim (Collateral estoppel) Motion . The Motion must follow the Rule 26(c), and Rule 37(a)...,the motion will not be entertained unless the moving party has conferred in good faith.....,with the opposing party before filing the motion.

C. In the Present case , The Mining Leases (Contracts) and Options to Patent(Purchase) gives rights to top and under ground Jurisdiction. The Counterclaim (Collateral eatoppel) would Block the Appellants from Showing ownership, with Grandfather(20 Years) Interest (Lease Option Contracts) , in all State, and U.S. Courts.

REASON FOR GRANTING

Appellees making a Motion in District Court without conferring First had a **"50/50"chance** of never being brought to light, showing Fraud, and Half truths and Slanderous. Appellees wanted to escape a Jury Trial . Now that the District Court has raised the Constitutional Question , and the Appellants have sold Interest (%) Rights in the Property to a Foreign Government Investors. Please See: U.S. Constitution, Article III, Section 2, Paragraph 2. . The raised question, and Foreign Investors has brought Appellees Acts of Alleged Misconduct and Claim Jumping under the Jurisdiction of The Supreme Court . It's abuse of The Process ,and Appellants Constitutional 14th Amended Rights . Question was premiture to case.

REASON FOR GRANTING

3. Appellant Federal Mining Leases under the 1872 Mining Law , as amended , should have been safe from appellees Acts of Document , Physical manipulation (1985-to-1993 False Imprisonment) of Record . Appellees used there Official Offices to Violate New Mexico State law , Section 18-6-11, N.M.S.A. (Excavating an archaeological site on another's private Property. PLEASE See : Frank Turley, Vs, State of New Mexico No. 13424(1981)

4. This Collateral estoppel action is pin pointed at the Public Courthouse. Appellants Rights to Civil Rights Act of 1957, Sec, 131 as amended and Civil Rights Act of 1964 Sec.(s) 201,206,701, 707; 42 U.S.C.A. Sec. 1973,

REASON FOR GRANTING

1971, 2000a, 2000a-5,200e, 2000-6 ; Voting Right act of 1965 Sec.1 et seq. ; 28 U.S.C.A. Sec.1345 ; 42 U.S.C.A. Sec. 1973, are being deprived.

PLEASE SEE : D.C. La. (1965), U.S. by Katzenbach, Vs, Original Knights of the Ku Klux Klan 250 F. Supp. 330. ...Defendants interference with rights of Negroes to use Public Facilities was relevant to cause of Action of United States against Klan..

In Present case, Courts(2) Order Discriminates and interference with more than Five Federal Civil Rights Acts. Appeals Court Stated : **Judgment is not binding precedent** ("Moot"), . It's Mental hurasment ,and a Monitory Depletion Act. It's abuse of discretion , and should be over turned.

CONCLUSIONS

District Court allowed himself to be manipulated to abuse of discretion, by the Appellees. Feeding off Mis-information supplied by the Appellees as support for a Motion. District Court actions in anger was feed and fueled by the appellees Miss-information , and half truths . Over insited (lost his head), He left the bench as Judge. Acting As Defense Attorney , he began maliciously Filibustering to cloud his Abuse.

We known the phrase " **evil communications corrupts good manner"**. This abuse of discretion was the intent hoped for by Appellees , failed to Confer in Good Faith, Before Filing the Motion containing fraudulent, and Mis-information;

Abuse of Process by the Appeals Court was uncalled for , and will not hide the Appellees Failure to Timely File his **Court Ordered answer Brief ;** Now! Appellees usage of Miss-Information to block Hearing to showing "the superior Lease Documents to real Property. Appellant being bared from Confer in good faith by District Court , nor approach Appellees on the Purchase of the land . Appellants sold ($) part (%) interest to a third Party not having a previous legal interest in the lease . There was no restrictions by the Courts not to do so; Appeals Court actions of abuse of process (Rule Breaking), delaying Appellees from making a Purchase offer.

CONCLUSIONS

Prejudicing the Appellants rights to impartial justice. Such attempted wavering only served to Prejudice the Appellants 20 Year old Federal Mining Lease Contracts ,and it do not change the ownership of the Real Property. Claim Jump is not a harmless Act .

Appellees manipulated the Lower Court to act as Attorney for the Appellees. The ***Motion to Dismiss*** was all it taken to activate Abuse of Discretion and Abuse of Process . However ! Such abuse of the Justice System is not acceptable . Misfiling a Timely Brief should end all rights to a defense in Lower Courts.

CONCLUSIONS

Appellees attempt to **Collateral estoppl** violated the Appellants Rights to Civil Rights . But ! Again Moved the Lower Court to make an abuse of Discretion Pursuant to **res judicata** . Attempting to block out all rights to Justice and the use of Public Facilities is a Racial Discrimination act against the Appellants. The Courts Order and Judgment Action in it self is a Open statement Supporting a **Probable Cause** for a **over turn** of Lower Courts Orders and Judgment. The Court Action violates over five (5) Civil Right Acts. The Appellees actions has cost ($) Appellant money . Appellees Motion for "Collateral estoppel " was a Malicious intent to cause a Court Delay ,and he deserves no extra consideration.

CONCLUSIONS

such delays caused extra work for the courts and the extra work and mental stress to the Appellants. There was no showing of Good faith conferring , nor any attempt to good faith confer Before filing such Mis-Information to support a Motion by Appellees ; Appellees failed to comply with the Courts filing Orders and Conferring Rules ; yet the two court were so Motivated by the Mis-Information that they over looked , and broke Court foundations Rules. Courts smoke screen (filibuster)of res judicata only Exhibit Half-truths .

Appellants Closed mining Claims Should be returned, for he was never a Indicted by Appellees.

The Courts Gloating over his aid given Appellees ,in Distraction of Appellants

CONCLUSIONS

Church and Mining by Appellees is reflecting a violation of Federal Hate Crimes Act, Klue Kluk Klan style hate; Court Gloating Action failed to create a "despicable Act";"nor Criminal act"; " nor McVay Syndrome" Reaction out of [that] Matter; yet Court tells half-truths ,and he rubs it in .

Raising foreign agent questions Prematurely to block the showing of lease documents in lower court; Forcing a premature international quertion before Appeals Court. Appellants Foreign stock, investments ($) has no merits when out side the U.S. Supreme Court jurisdiction . Channeling the case caused an abuse of discretion. The Abuse Should be over turned for the re establishing ,and in aid of Court Rules Broken , an in aid of It's Jurisdiction .

DAMAGES PETITION

1. The Appellant in this case move the Honorable Court for counselors fees, Due to the Extra Work in defending against Extra Abusive Weight, an award of $389,406.29 ,and / or what ~~(in all)~~ ever the Honorable Court ~~think~~ is Justice and Right ;

2. Appellant is Asking for the Overturn of the Abuse of Process and Discretion caused , and to restore Appellants 1964 Civil Rights privelages ;

3. Appellants is asking the Honorable Court for a Punitive award, because of the Appellees abused filing , failure to File any Timely Brief ,and Failure to **Attempt** Good Faith Confer first, and before filing a Motion with Fraudlunt ,mis- information intent on the Court, A Court Order returning all closed, 19 Mining Claims that was Certified to

DAMAGE PETITION

Appellants at the end of Year 1985 ,and that each claim position not able to be returned , will be enlarged to two (2) Section in size, with State open land ,and or Federal surplus land, at no cost, free Patents , and Tax Free ; **or** $47,451,000.00 in cash.

4. Appellant ask for $35, 610,420.34 for the destroying by filling in of the mine shafts on claims.

5. Award the Appellants a $2,000,00000 for the Mental Stress cause by this Abuse.

6. Grant Appellants Complaint Motion for **Permanent injunction to remove appellees (by U.S. Marshal Service , Literally).**

7. For destroying the old Spanish Archaeological Building at mining sites , on private claims ,a restitution award of $9,829,794.00 .

I Thank the Honorable Court.
03/03/2000 William L.E. Punchard
Counselor

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

JAN 7 2000
PATRICK FISHER
Clerk

WILLIAM L.E. PUNCHARD
Plaintiff-Counter-Defendant-Appellant

v.

LUNA COUNTY COMMISSION,
Defendant-Appellee,
and
STATE OF NEW MEXICO
Defendant-Counter-Claimant-Appellee.

No. 98-2356
(D.C. No. Civ. -98-147-JC/RLP)
(D. N.M.)

ORDER AND JUDGMENT

Before **BRORBY, PROFILIO,** and **LUCERO,** Circuit Judge.

* **This order and judgment ~~is not binding~~ precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavor the citation of orders and judgment ; neverthe**

less, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

After examining the brief and appellate records, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. r. App. P. 34(a)(2); 10th Cir.R. 34.1(G). The case is therefor ordered submitted with oral argument.

Plaintiff william L.E. Punchard, II Appeals the district court's order granting the amended motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) filed by defendant State of New Mexico , and the Motion for judgment on the pleadings filed by defendant-counterclaimant Luna County Commission. the district court's order also imposed filing restrictions on plaintiff. We exercise jurisdiction under 28 U.S.C.A. 1291 and Affirm.

Plaintiff's substantive claims **involve a challenge to a 1990 transfer by the United State government of its interest in certain land to Luna County. Plaintiff asserts that the transfer interfered with his mining claims to the property, on appeal, he argues (1) the district improperly considered the defendants' Motion instead of permitting the case to proceed to a jury trial, (2) the district judge was prejudiced against him, and (3) without supporting authority of argument, that the district court's rulings were in error.**

We review de novo the district court's dismissal under Fed. R. Civ. P. 12(b)(6) and its entry of judgment on the pleadings. See Riddle V, Mondragon, 83 F.3d 117, 1201 (10th Cir. 1996)(motion to dismiss); Realmonte V, reeves, 169 **F.3d 1280, 1283 (10th Cir.1999)(judgment on the pleadings). The order imposed filing restrictions on**

plaintiff is reviewed for an abuse of discretion. See tripati v. Beaman, 878 F.2d 351,354 (10th Cir. 1989).

We have carefully reviewed the appellate briefs and the Materials submitted, We affirm the district court's order granting defendant State of New Mexico's motion to dismiss, granting defendant-counterclaimant Luna county Commission's Motion for judgmint on the pleadings, and imposing filing restrictions on plaintiff, for substantially the same reasons stated in the district court's memorandum opinion and order dated November 10, 1998 , and entered as a judgment on that date, The district court 's January 14, 1999 order imposing filing restrictions is also affirmed.

All pending motions are DENIED. The judgment of the United States District Court for the

District of New Mexico is AFFIRMED. **The**

Mandate shall issue forthwith .

Entered for the Court

John C. Porfilio
Senior Circuit Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE ATTEMPTED COUNTY INFRINGEMENT ON PRIVATE MINING CLAIMS

WILLIAM L.E.. PUNCHARD
Plaintiff/Counter defendant,

vs, **No. Civ-**
98-0147 JC/RLP

LUNA COUNTY COMMISSION and
THE STATE OF NEW MEXICO,
Defendant/Counterclaimants,

MEMORANDUM OPINION AND ORDER

THIS MATTER came on for consideration of

Defendants' Amended motion to Dismiss Complaint

(Doc. 12) and Counterclaimants' Motion for Judgment on the Pleadings (Doc.22). The Court has reviewed the motions, Defendant/Counterclaimants' memoranda, the objections of Plaintiff Punchard and the relevant authorities. The Court finds that the motions are well taken and will be granted.

Background

Mr. Punchard has yet again filed a *pro se* complaint challenging the 1990 transfer by the United States government of its interest in certain land to Luna County . In essence, Mr Punchard conplains that this transfer constitutes"claim Jumping" and somehow prejudices his ownership rights in certain mining claims. Other actions arising from the same 1990 land interest conveyance that have been filed in this court by Mr. Punchard against Defendants include:

>Civ. 94-0614 HB, filed June 3,1994

The Tenth Circuit affirmed the dismissal of the action without prejudice for failure to comply with service procedures . Punchard v. State of New Mexico.,69 F.3d 548 (Table), 1995 WL 638201 (Unpublished Disposition oct, 31, 1995).

>CIV, 96-0201 M, filed Feburary 13,1996

The Tenth Circuit affirmed the dismissal of the action without prejudice for yet again failing to perform proper service. Punchard v. Luna County Commission,116 F.3d 489 (Table), 1997 WL 346032 (Unpublished Disposition June 24, 1997).

Analysis

I. The Amended Motion to Dismiss the Complaint

A. Eleventh Amendment Immunity

(App 7)

Because Plaintiff alleges violations of the Fourth and Fifth amendments to the **United States Constitution as well as State Tort Claims , the Court has federal question subject Matter Jurisdiction.** Defendant State of New Mexico has properly asserted its Eleventh Amendment Immunity to the claims against it. Its immunity having been neither abrogated nor waived, all Claims against the State will dismissed without prejudide, Because Luna County is not considered an arm of the State for Eleventh Amendment purposes, the Court may Address the merits of its motion to --Dismiss.

B. **Claims Brought Pursuant to 42 U.S.C. Sec. 1983**

Insofar as the complaint asserts Sec. claims against Luna County, Defendant is entitled to Dismissal. Plaintiff alleges that the March 1990 quitclaim by the federal government to Luna County is the cause of his asserted

injunries to his mining interest. The Applicable three-years statute of limitations, N.M. Stat. Ann. Sec. 37-1-8, obviously bars a Sec. 1983 claim based upon events that happened eight Years ago . Tolling could not apply since clearly Plaintiff was aware of his cause of action , if any , by Spring of 1994 when he filed his complaint in Cause No. Civ 94-0614 HB.

C. State Tort Claims

As a government entity, Luna County has immunity from suit for state torts unless the New Mexico Tort Claims Act ("the Act"), N.M. Stat.ann. Sec. 41-4-1 *et seq.*, provides otherwise. It is doubtful that the Act waves immunity for the Property and economic loss alleged by Plaintiff. **I need not reach that issue,** however, because again, the state tort claims broutht by Punchard are clearly Barred by the applicable Two Year Statute of Limitations contained

in N,M Stat. Ann. sec. 41-4-1 . Moreover, Plaintiff has not alleged that he complied with the Notice requirement of the Act found in N.M. Stat.Ann. Sec. 4d1-4-1.

D. Standing

Finally, I an not at all sure that Plaintiff has standing to bring an action based upon the quitclaim deed. The United States conveyed only what ever interest it had in the relevant land to the County . **If Mr. Punchard indeed has prior enforceable mining interests in the land that were properly recorded, those interests would be unaffected by the quitclaim transfer. In short, Plaintiff's perception of injury to his interests by the execution of a quitclaim deed between other parties appears to be just that -a perception, not an injury in fact within the meaning of standing.**

II. Defendant' Motion for Judgment on the pleadings as to the Counterclaim

The Amended Counterclaim seeks declaratory relief to restrict Plaintiff's Legal filings and access to the United States District Court for the District of New Mexico based upon his alleged litigation abuses. Counsel for the State of New Mexico asserts that the State waived proper service in this Matter just"so that it could seek the Court's **Assistance to end the** vexatious and duplicative filings by Mr. Punchard".

Plaintiff' has not filed an answer to the counterclaim, but did file a document entitled "Plaintiff's Objections to Defendant"s Motion". Mr. Punchard does not dispute the accuracy of the factual allegations set forth in the counterclaim or the validity of the various pleadings and orders attached as exhibits. He incorrectly asserts that

because of the **State's waiver of proper Service in the present action,**" the case herein has only legaly [sic]been filed one time ." Plaintiff's Objections at P. 5.(emphasis in original). Therefore, Plaintiff's Argument that the Court must disregard othe cases he has brought concerning these mining claims is without merit.

Mr. Punchard seems to argue that it is improper to address his litigation history in the context of the present litigation. he states that Defendant are "attempting to confuse and cloud the issues by prejudicing the Plaintiff complaint with unrelated and foreign Mis-information [sic] ." Plaintiff's Objections at P.5. Plaintiff believes that Defendants are attacking his "Personality " when they should be responding to his " Claim Jumping" Allegations. In short , Mr. Punchard feels that as the Plaintiff. he controls the litigation and that the counterclaim may not be entertained.

To the contrary, this Court has the authority to hold Mr.Punchard accountable for serious abuses of the judicial system and to fashion narrowly tailored relief .

Continue on page 13.a

Wherefore,

IT IS ORDERED that Defendants' Amended Motion to dismiss Complaint (Doc .12) and Counterclaim' Motion for Judgment on the Pleadings(Doc. 22) be, and hereby are **granted,** and that a final judgment in compliance with Rule 58 will be entered.

IT IS FURTHER ORDERED that Mr. Punchard is absolutely barred from filing any further pleadings in this case. futher, he is absolutely barred from filing any futher cases in the District of New Mexico, if they are against the named Defendants in this case and relating to the subject Matter of this case or any other complaint he has

previously filed in this court . The Clerk of this court shall return any such filings, unfilled, to Mr. Punchard. Moreover , this court will not accept any futher proceedings brought by Mr. Punchard relating to the Parties and subject matter of this case. Consistent with the Tripati case, Mr. Punchard shall have ten days from the date of this order to file written objections , limited to fifteen pages, to those proposed sanctions. If Mr. Punchard does not file objections, the sanctions shall take affect twenty days from the date of entry of this order. If Mr. Punchard does file timely objections, these sanctions shall not take affect, If at all, until after this Court has ruled on his objections.

DATED this 10th day of November , 1998.

JOHN EDWARDS CONWAY -

CHIEF UNITED STATES DISTRICT JUDGE

District Courts Continuation from page App.13.
res judicata case chronicling :
.....narrowly tailored relief.

> Federal courts have the inherent power to regulate the activities of abusive litigants by imposing carefully tailored restrictions under appropriate circumstances. See Tripati v. Beaman, 878 F.2d 351,352 (10thCir.19890. Injunctions restricting further filings are appropriate where (1) the litigant's lengthy and abusive history is set forth; (2) the court provides guidelines as to what the litigant may do to obtain its permission to file an action; and (3) the litigant receives notice and an opportunity to oppose the court's orders before it is implemented. See id. at 353-54.

Judd v. U.N.M., 149 f.3D 1190, 1998 WL 314315 at *3 (10th Cir. 1998) (unpublished decision). "'[T]he right of access to the courts is neither absolute nor unconditional, and there is no constitutional right of access to the courts to prosecute an action that is frivolous of malicious,'" In re Winslow, 17F3d 314, 315 (10th Cir. 1994)(quoting Tripati V. Beaman, 878 F.2d 351,353 (10th Cir. 1998).

When claims arising from a particular event are repeatedly and continually raised by a pro se litigant in related proceedings or other litigation, filing restrictions may be imposed to curb such abuse. DePineda v, Hemphill, 34 F.3d 946, 948 (10th Cir. 1994).

As noted above, Plaintiff has filed four cases in this court based upon the 1990 quickclaim conveyance of land by the federal government to Luna County. Mr. Punchard failed to effectuate timely proper service in at least two appeals relating to dismissal of the 1994 and 1996 lawsuits because of Plaintiff's failure to comply with the rules of procedure regarding service of process

In yet another case over which i presided, Cause No, Civ 98-1761 JC/JHG,Mr. Punchard filed a complaint as " Billy L. Edwards" and identifying himself as the " chairman of the Divine Church of God and Christ " Plaintiff

contended that New Mexico's sale of land on which a Gold Mine was located constituted an unlawful taking. In face, he had failed to pay the taxes on the land asserting that the land was tax exempt because of his statutes as chairman of the church. An action setting forth the same claim was filed by Mr. Punchard in the Sixth Judicial District Court for the State of New Mexico , No CV 95-155. As a result of that lawsuit, the State Court restricted Plaintiff's access to the state judicial system by imposing filing restrictions similar to those now requested by Defendants.

I dismissed cause No CIV. 96-1761 no collateral estoppel founds based on the Sixth Judicial District Court findings that the action was time barred. On appeal, the Tenth Circuit advised that Defendant Taxation & Revenue Department was an arm of the State of New Mexico and thereby entitled to eleventh Amendment Immunity. In the

1997 unpublished disposition, the panel also cautioned that "it appears Plaintiff Billy L. Edwards is attempting to represent the Church as an unlicensed layperson, of Course. an unlicensed layperson may represent himself and not another individual or artificial entity before a district court or before us." Divine Church of God and Christ , V, Taxation & Revenue Dept.

The above information supports the imposition of filing restrictions in several ways. When he filed the present lawsuit in 1998. Punchard was aware that Eleventh Amendment immunity prohibited suit against the State of New Mexico in federal district Court and yet pursued the present claim against the State knowing that it was improper. Moreover, when he filed the action on behalf of the church entity in 1996, he must have known that he was engaging in the unauthorized practice of law since he had been convicted

of that offense in 1982. see : state of new Mexico V, Billy Edwards, 102 N.M.. 413 (Ct.App. 1985) (reducing conviction from five counts to one count).

Yet another series of frivolous actions have been filed in state courts and in federal district court for the District of New Mexico and West Texas. Even the Supreme Court has been asked to hear Plaintiff's claims of conspiracy related to his confinement in a mental hospital. Under such names and titles of "Mr Billy Edwards" William Punchard" "Crown Emperor" or Crown Ambassador " of the Royal Democratic States of Continental African Kingdom." Plaintiff argued that as the head of a foreign Government , New Mexico had no right to charge him with crimes because of his Diplomatic Immunity". In Affirming dismissal of such action in this Court (Cause No, CIV 86-1200 M), The Tenth Circuit had no difficulty in finding such claims Frivolous.

(App. 13.e)

As the Courts of Appeals have recognized, section 1915(b)'s term frivolous.' ect.[explanation],etc., Punchard v. State of New Mexico, 1992 WL 19930 (10th Cir. 1992)(unpublished decision).

In sum, Mr. Punchard's history of filing repetitive, vexatious and frivolous claims cannot be ignored. The litigation history recited above and documented in the counterclaim has caused needless expenses to opposing partys and has diverted scarce judicial resources from addressing claims with merit. I agree with Defendants that the promulgation of meaningless, under dipherable lawsuits by

Mr. Punchard must end. Based on Plaintiff's future filings in this court " commensurate with our inherent power to enter orders' necessary or appropriate' in aid of our jurisdiction" under 28 U.S.C.A/ Sec.1651 (a) Winslow v. Hunter (in re winslow), 17 F.3d314,15(10thCir,1994).

Wherefore,

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE ATTEMPTED COUNTY INFRINGEMENT ON PRIVATE MINING CLAIMS

WILLIAM L.E. PUNCHARD
Plaintiff/CounterDefendant,
V, No. CIV.98-0147 JC/ RLP
LUNA COUNTY COMMISSION;
THE STATE OF NEW MEXICO,
Defendant/ Counterclaimants.

ORDER IMPOSING FILING RESTRICTIONS

THIS MATTER come on for consideration of Plaintiff's Objections (Doc.27) and Defendants' Response to my November 10, 1998 Order to show cause why i should not impose certain restrictions on Plaintiff's Future filings based upon asserted abuse of the judicial process. The Court has determined that Plaintiff's Objections are without Merit. Moreover, a hearing is not necessary to address Mr. Punchard 's Patently Delusional Allegation at Page seven of his objections that Defendant and / or their

Attorneys are attempting to have him killed.

Wherefore,

IT IS HEREBY ORDERED that Mr. Punchard is absolutely barred from filing any further pleadings in this case. Futher, he is absolutely barred from filing any furthre cases in the District of New Mexico, if they are against the named Defendants in this case and relating to the subject matter of this case of any other complaint he has previously filed in this Court. The Clerk of this Court shall return any such filings, unfilled , to Mr. Punchard, Moreover , this Court will not accept any further proceedings brought by Mr. Punchard relating to the parties and Subject matter of this case,

Dated this 14the day of January 1999.

JOHN EDWARDS CONWAY

CHIEF UNITED STATES DISTRICT JUDGE

General Services Administration, Region 7
819 Taylor Street
Fort Worth, Tx . 76102

October 4, 1993

Mr. William L.E. Punchard II
702 West First Street
Deming, new mexico 88030

Subject: Your concerns regarding real property
Located in Section 26, Township 23 South
Range 9 West, NMpm Surveys, Luna County,
State of New Mexico

Dear Mr. Punchard:

This letter is in response to your undated letter received by my office on September 27, 1993, wherein yhou have addressed certain concerns regarding the current title status of the above described real property (the "Property").

Please be advised that the United States of America has made a valid and enfoerceable conveyance of the Government's interest in and to the property to the county of luna , evidenced by a quit claim deed to the county of luna , dated march 15, 1990. A true and correct copy of the quit claim deed is enclosed for your review.

By the very nature of the quit claim form of deed . the Government conveyance to Luna County was limited to what ever interest the Government had in and to the property as of the date of the conveyance. The conveyance should not be misconstrued a? adversely affecting prior

enforceable interests of Public record which may be held by other nongovernmental persons of entities. any interest in the property by luna county pursuant to the aforementioned quit claim deed is subject to such recorded interests to the extent that such interests are enforceable by law.

As for your allegations of "claim Jumping "and fraudulent transaction" you are without standing and / or basis to challenge the quitclaim deed as between the Government and Luna County .

I finally observe that you have indicated in your letter that you reserve the option to seek legal redress of your alleged mining claim. Please be advised that a holder of an interest in real property who believes that another entity may be improperly clouding the chain of title to a given parcel of real property has the option to seek judicial relief. This option would be in the form of a "quiet title" action . It is recommended that you first seek independent legal advise to evaluate your position in this regard.

Sincerely,
Arlen D. Schley
Acting Regional Administrator (7A)
Attachment
cc:
Kent Cooper
Jeffreys, Copper & Associates

(pp. 18)

7 I 8 I 9 I 10 I 11 I 12 I

RECEIVED
AUG 18 1993
LUNA COUNTY
COMMISSIONERS

Billy Lloyd Edwards Punchard II
702 West First Street
Deming, New Mexico 88030

Luna County
700 South Silver Ave.
Deming, New Mexico 88030
Dear County:

NOTICE OF DEFECTIVE QUiT CLAIM DEED

Pursuant the Purchase of land from the General Services on and about March 15, 1990 this Letter is to enform you that the Transaction was invalid because at the Time of the Purchase and transferee the land was not open for filing for Purchase. The Mining Claims filed on the land was not in default (NMMC 35110). Now NMMC 159852 :Lamb #1.,and Lamb #2.(Double filed),and Lamb #3. has been Timely filed on SE I/4 of Section 26, R9w., **Tws.23. County File: Book-165, Page 615. Challenged, County Clerk Records after MARCH 21,1990show no Corrections of the County's quit claim deed. It's a Fraudulent Transaction.**

Mr Edwards Punchard ask the Honorable County to withdraw it's defective QUIT CLAIM DEED FROM THE County Records,Etc. All Exhibits: as to Valid Mining Claims are Presentable up on Request By Clerk or Court.
Any third Party Defective Quit Claim Deed are hereby given Notice of invalidness and Trespassing.

(App.19) **Billy** L. Edwards Punchard

IN THE DISTRICT COURT OF LUNA COUNTY, NEW MEXICO
STATE OF NEW MEXICO
Plaintiff,

Vs, No. CR-85-36

BILLY EDWARDS,
Defendant.

MOTION TO DISMISS AND TO RELEASE MR. EDWARDS FROM CUSTODY ON BILL OF ATTAINDER AND AN EX POST FACTO LAW

COME NOW Mr. Billy Edwards, by and through counsel, and moves this Court for dismissal of the criminal cause against him and for immediate release from custody, This motion is based upon the Constitution of the State of New Mexico , Article II , Sec. 19; and the Constitution of the United States , Article I, Sec. 10;

As Grounds, counsel state:

1. The original version of our present law was passed in 1988. Under the then- existing law, there was no scheme for "Criminal Commitments" as now appears in NMSA 1978, Section 31-9-1.1 et seq. (a Copy of the then-existing law is attached hereto).
2. The 1988 amendments were written and passed specifically to confine Mr. Edwards, and then applied retroactively to his case.
3. The "CriminalCommitnment" statutes were again revised in 1989, and the revisions applied retroactively to Mr. Edwards ' case.
4. The Statutes as applied to Mr. Edwards constitute a bill of attainder in violation of the New Mexico and United States Constitution.
5. The Statutes as applied to Mr. Edwards constitute an Ex post facto law in violation of the New Mexico and United States Constitution.

WHEREFORE, counsel move for dismissal of the criminal action against Mr. Edwards and for his immediate release from custody.

Respectfully submitted,

HOLLIS ANN WHITSON, ESQ.
MENTAL HEALTH UNIT
COORDINATOR
ASSISTANT PUBLIC
DEFENDER
301 N. GUADALUPE
SANTA Fe, NEW MEXICO
87501 , Ph (505) 827-3912

David Lopez, esq.
p.o. box 1219
Silver City, New Mexico 88062

I hereby certify that a copy
of the Motion was mailed to
the District attorney on
3-4 ,1993

(App. (20)

(EXHIBIT)

form 1370-41
march 1989 UNITED STAES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RECEIPT AND ACCOUNTING ADVICE
Subject No. 170358
GSB/NM 12/28/89
NOTICE OF INTENT TO HOLD 1 17 51 5
applicant
BILLY L.E. PUNCHARD
PO BOX 1388 (ZUNI)
LAS VEGAS,NM 8770
REMITTER

(App.21)

ASSIGNOR

SERIAL No.
NMMC 35110

Refer to the above case serial number in all correspondence. Please inform this office of change in address.

NOTICE: This notice is receipt for monies paid the United States, If these monies are for required fees in connection with application to lease , purchase, enter, or otherwise acquire an interest in public lands or resources, this receipt is not an Authorization to utilize the land applied for and it does not convey any right, Title, or interest in the land for which application is made.

(EXHIBIT B)

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

WILLIAM L.E. PUNCHARD, II, Plaintiff-Counter-Defendant-Appellant, Vs,	No. 98-2356
LUNA COUNTY COMMISSION; Defendant-Appellee, and STATE OF NEW MEXICO, Defendant-Counter-Claimant-Appellee.	

ORDER
Filed May 29, 1999

The court reserves judgment on the motion to dismiss filed by appellees-Defendants. The motion will be referred to the panel selected to handle this civil appeal. Briefing on the merits may proceed. The opening brief of Plaintiff William Punchard has been filed and served. The answer brief of Defendant must be served and filed **40 days** after the date on this order. Subsequent briefing will proceed in accordance with the Federal Rules of Appellate

(EXHIBIT B)

Procedure and the Tenth Circuit Rules. *See* Fed. R. App. P.31(a)(1), *eff.* Dec.1.1998; 10th cir.R.31.6,*eff.* Jan.. 1,1999.

Entered for the Court
Patrick Fisher, Clerk
[name]
Kathleen T. Clifford
Deputy Clerk
Attorney-Appeals Expediter

(EXHIBIT C)

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

ANSWER TO REQUENTLY ASKED QUESTIONS

Computation of Time: FRAP 25(a), 26(b) If **ordered** by a date certain, 3 day mailing rule does **not** apply; if time to file runs "from date of service," 3day rule applies. Only Briefs and appendices are treated as timely filed on date mailed or delivered to a commercial carrier. Other pleadings must reach the court by the due date.